

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on August 11, 2016 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

Present: Judge Walsh, Erik Pritzl, Kathy Johnson, Larry Malcomson, Tim Mc Nulty, Dave Lasee, Judge Zuidmulder, Troy Streckenbach, Joan Brusky, Tera Teesch, Michelle Timm, Joe Torres

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Walsh at 8:00 am.

2. Approve/Modify Agenda.

Motion made by Kathy Johnson, seconded by Tim Mc Nulty to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify Minutes of June 9, 2016.

Motion made by Kathy Johnson, seconded by Erik Pritzl to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Mental Health Grant/Detox Beds (Erik Pritzl).

Human Services Director Erik Pritzl informed that they have started detox beds and are working with their provider, Bellin Health. Information was distributed to various agencies the first week of August which included FAQs as well as a form to use, directions and a flow chart on how the process works for individuals who are incapacitated. Pritzl said within two hours of sending out the information they had their first request which they worked through. People are continuing to come through which was expected and what they want to see and decisions are being made in terms of treatment after the detox process.

Pritzl continued that the next part is the residential treatment aspect and they are working on a plan for that. They will most likely be looking at community providers that have existing capacity to get started. People would go through detox, have an assessment and then go on to the next place for treatment. Pritzl noted there are existing community providers that have capacity that could be utilized and he is hoping to bring something forward in the next few weeks. An example of a community provider would be the Jackie Nitschke Center and last time Pritzl spoke with them they were at about 75% utilization which leaves 25% capacity open. There are other area providers as well that the County could look at. It would be hard to say what the number of available beds is because they would be spread out over various providers.

District Attorney Dave Lasee asked what the criteria would be for the transitional beds. Pritzl responded that people would go through a substance abuse assessment with one of the counselors and then they would do a uniform placement criteria assessment which is a state required tool. After that, placement is assigned and could range from intensive outpatient, regular outpatient or residential. Lasee asked what the procedure would be if his office, defense counsel or the courts see someone who needs this type of help. Pritzl responded that the person could be referred to clinical intake to start the process. Outpatient orientation meetings are held every Monday

where people come to learn about services. Judge Zuidmulder asked how this ties in with the Sheriff's Department to ensure that people who do not belong in jail are not dumped there. Pritzl said if someone is incapacitated they should be taken directly to Bellin. He noted that intoxicated people cannot be involuntarily brought to detox. Judge Zuidmulder feels it should be called to the court's attention if someone is not incapacitated, but the jail advises the DA that they should not be in the jail so that the bond can be structured such that they can be released to the detox center. He said terms of bond would be that the person goes to detox voluntarily or stay in jail. Judge Zuidmulder feels the whole point of detox is the social costs of these people not getting treatment and being dumped in the jail which is expensive. The reason the money is being spent on the mental health initiatives is to get the people where they need to be and Judge Zuidmulder feels we all need to work together to get this done.

Tera Teesch of the Public Defender's Office noted that anecdotally she has a lot of clients that would prefer a detox situation and a bridge to treatment rather than jail. Based on her experience, she feels there are a lot of clients who would be open to that. It was suggested that perhaps the DA's office could talk to the Public Defender further about this. Lasee said it could be done, but his concern would be the limited space and the criteria of incapacitation as the measure for use of the dollars because if there is someone detoxing on heroin and they are seen a few days after they are arrested they would not be incapacitated and therefore not eligible for these dollars. Pritzl said in those cases they will help to the best of their ability because it would be voluntarily but the clinical intake workers are who would handle this. Judge Walsh also noted there are individuals coming into heroin court that have been out on bond and come in for sentencing and need a place to go to detox and they are being put in jail, so this may be a better option. Pritzl said the medically managed approach to detox may not be appropriate for every situation and that is when other options have to be explored. He said there is not a lower level detox and many times what people think of as detox is really actually the beginning of rehab. What is available now is the medically managed detox which is open to voluntary situations if needed. Lasee felt this was a great fit for the heroin court participants because it is a bridge to treatment and they will have support throughout. He felt the reason the former program was probably shut down was because nobody would use it, or they would go in and detox for a few days and then leave instead of bridging to treatment, whereas the heroin people are coming to sentencing high and they know they will get into the course of treatment with a safe place to detox which will build rapport with the team and make them more successful in their treatment which is the ultimate goal.

5. Public Service Announcements.

Judge Walsh recalled this being brought up in the past by the Clerk of Courts, however, this was not discussed since the Clerk of Courts was unable to attend the meeting.

6. Jail Population Numbers (Larry Malcomson).

a. Detail on population by offense.

Jail Captain Larry Malcomson provided the group with a copy of a Power Point presentation that was given at the last Public Safety meeting and which will be given at the County Board meeting. With respect to the specific population numbers as they relate to charges, bonds and probation, the software company for the offender management system in the jail is working on that right now. A very comprehensive report will be forthcoming that sorts by every specific detail such as people on bond, cash bond, signature bond, probation holds, waiting ALJ hearings, etc. Malcomson said a lot of hours were spent accumulating the data in the handout and it is a living document which will be updated as statistical data comes in. The report explains some of the locations in the jail so the County Board members who have not been to the jail can get a better understanding of the facility. The latter part of the report includes projections looking at where the jail is forecast to be in the future based on the current

population and growth. Malcomson noted they used to have a lot of state inmates, but those have been replaced with the County's own inmates. There is also a small federal contract in effect. Malcomson said this gives a good snapshot of what has progressed over the years. He said they may need to build a couple of direct supervision pods and shut down the kilo pod which is not very efficient or effective. If new pods are built, the current staffing in the kilo pod could be moved to a newer pod and 64 inmates could be supervised by one officer as opposed to 50 inmates in the kilo pod.

Judge Zuidmulder is hearing that the proposal is not necessarily to expand the jail as such, but actually to close a pod and then to build another pod encapsulating the people that would have been in that pod and then have some room to add population. He is opposed to jail expansion because he feels it has all kinds of suggestions that are unhelpful to the criminal justice system. However, if what is being proposed is making the jail more efficient, it would work.

Pritzl asked about juveniles being moved to kilo pod. Malcomson explained that kilo was designed as intake where people would come in, be processed and then be moved out. If the expansion happens, the kilo pod would be closed and the juveniles would go back to the 37 bed Juliet pod where they were intended to be. Pritzl was happy to hear this because kilo pod is not the ideal place for juveniles. He added that other counties are looking for juvenile space and the programming that the two departments are working on together for the alternatives to corrections model is something other counties are interested in as well because they do not want their kids going to corrections.

Judge Walsh referenced people sitting in jail awaiting further court proceedings. The handout says the number of sentenced inmates is 20% and the other 80% are PO holds and people on bond. He asked about the 80% on bond and Malcomson said they are currently working on a report of this. The felony to misdemeanor ratio is significant. County Executive Troy Streckenbach asked Malcomson when he anticipated being 50 inmates over the ideal capacity. Malcomson responded that they figure about 8 inmates per year would be the growth. Currently the jail is at 93% capacity. Lasee said he is not in the position to say we should or should not expand the jail. He is not a fan of it, but if it needs to be done he wants to see it done, but he wants to be sure that alternative measures are tried first. It is important to note that it is not just a matter of being 50 over max capacity; it is when is the jail over capacity where the security settings start to break down and populations are mixed and that is a lower number than 100%. Malcomson agreed and said they are at that point right now. He said there are some inmates that cannot be placed with other inmates because of the classifications. Streckenbach said when the jail was built in 1999, the County was spending \$2.1 million dollars outsourcing. At that point, it made financial sense to stop sending inmates out and build a jail instead, especially since the operating dollars were already in the budget. He is looking at this from a different perspective, but one that he hopes will be kept in consideration. He continued that we have to do the data dives to see what is inside the jail and if people can be pulled out or if there is a different way to manage it. Streckenbach does not disagree that based on the projections, an expansion will be needed, especially when he sees the numbers happening in Human Services. If the County were to bond and operate this next year, roughly \$500,000 would be needed to be cut from the budget. Malcomson said if another pod is built the kilo pod should be cut down which would cut the staffing by about 5 positions. If a new pod is built, the inmates could be taken out of kilo and put in the new pod and then kilo could be shut down completely and the 5 staff members could be moved to the new pod. If a second pod is built, basically all they would need is 5 additional staff members. Streckenbach said the operating costs he received several months ago were about \$900,000. In addition, the bonding cost would be approximately \$900,000 so the operating budget would be about \$1.8 million dollars and that is why he feels money should be built into the budget over the next few years instead of having a shockwave in one year while still trying to find ways to alleviate the need for an expansion. Streckenbach did note,

however, that from everything he has seen and read up to this point, unless there is a major shift in the population or the way the cases in the jail are handled, the County will probably be building a jail in the next 5 years.

Judge Zuidmulder said this puts a focus and pressure on all of the stakeholders to look at if they are contributing to the jail problem in any way or if there are things that can be changed in the way things are done to make this unnecessary. He feels this is a great opportunity because having the pressure on forces everyone to look at how they are contributing to the problem and how they are using the resource and if they are using it in the most cost effective way for the community. He would like all of this examined before we just automatically say this is what we are going to do to be sure that all of the stakeholders are acting responsibly.

7. TAD Grant Programs (David Lasee).

Lasee informed that Treatment Court Coordinator Joe Torres recently completed the application for the TAD grant and asked for some additional funding for programs. Torres said the application was submitted and he was told by the DOJ that an update on allocation of funds should be given by the beginning of next month. Additional funds were requested to assist with testing costs and an additional case management position. In addition there is currently a part-time administrative position that they are looking to expand to a full-time position which would help maintain current numbers and also allow capacity expansion. At this time each court has between 15 – 20 participants and there is also a referral list for each of the courts. There is a soft cap of 20 for each court. Streckenbach asked for more information on the referral process. Torres explained that what happens is they get an application for someone to be considered for the program. Once the application is received a legal screen is completed and a risk needs assessment is completed and then the treatment court team makes a formal decision as to if the person is appropriate for the program and meets the criteria. After a person is accepted into the treatment court, they await a sentencing and start date. Streckenbach asked if the current number of referrals is high in terms of the demand for the program. Torres responded that referrals are high right now and noted that the courts are probably at a higher level than they have been in recent years. Both the drug court and heroin court are operating very near capacity and veterans' court remains constant at 20 – 25 active participants. Torres noted they have never not had people in the referral process for the treatment courts over the last 1.5 years. Judge Walsh asked about the number of referrals for the courts. Torres said the number of referrals for the veterans' court is a little low, but noted that the identification process has been slowed down and they are looking at ways to increase that. Lasee said the drug court and heroin court referrals are high. The case management piece is getting to the point of being at capacity and Lasee noted this is a high risk population that needs a lot of hand holding and a lot of care. Streckenbach asked about the people in the treatment courts right now and if these people would have been in jail if the treatment courts were not an option. Lasee responded that without the treatment courts, they would be either in jail or prison. Streckenbach said without being in the program, these people would have increased the jail capacity by 80+ and asked if we were to increase the capacity to do the referrals if the treatment courts could handle more participants. Judge Walsh and Judge Zuidmulder both said that the capacity of the treatment courts could be increased. Judge Zuidmulder said that in his 18 years on the bench, he has not seen more colleagues more willing to give up their time. They are all willing to move their calendars around to make time for the treatment courts.

Lasee said the time to get into the treatment court is longer than it has been in a long time and those are direct jail bed days which is part of the bottleneck. If a determination is made that someone is appropriate for the treatment court and we are able to get them into treatment court in 30 days instead of 90 days that saves 60 days per person. The bottleneck is caused by not having the capacity on the treatment court end to do the screenings. Streckenbach

said the capacity needs to be increased for screenings and Pritzl added that that is one of the things that was asked for in the grant application.

Judge Zuidmulder recalled when he addressed the Public Safety Committee and noted that they were very encouraging by saying that if the treatment courts asked for another case worker they would try to put it in the budget. The hope would be that this be added to the budget and Judge Zuidmulder noted that if the grant comes through the funds could be added back into the budget. Streckenbach added that alternatively it could be funded with the grant and if it does not come through, they could look for savings elsewhere. Streckenbach said that it is a lot easier to get this into the budget right away to be dealt with.

8. Report on recidivism rates with treatment courts.

Torres said he put some data together but noted the tracking after graduation was not formally followed; the data is all there, but it has to be compiled which is an ongoing process. From 2009 to present there has been a total of 195 individuals go through the treatment courts. Successful graduates account for 61% and to date there has been 77 graduates. Of the 33 successful graduates of the drug treatment court, 18 of those, so 55% have successfully completed probation with no new charges and no known relapses. Four are still on probation and have not had any new charges but there have been known relapses. Out of the 18 graduates, 4 are within 12 months of graduation, 6 have been graduated for over 3 years and 8 have been graduated from the program for 1 – 2 years. Torres continued that recidivism for the high risk population on a national level is about 75 – 76% and the recidivism rate with the local treatment court population is significantly below that. Streckenbach said that from those numbers it appears that the program is working and is well worth it and said we should be proud of the program and what it is doing. Judge Zuidmulder added that the unrecorded feature is that because we provide stability and reintegration into the community, not only are they succeeding, but they are likely to have had employment while in the treatment courts and have been reunited with their families. Streckenbach said that re-entry back into society is extremely difficult and the treatment courts seem to make this a little easier. Tim Mc Nulty said the numbers are impressive and asked if there is some sort of way to promote this to get more support moving forward. Torres responded that he recently attended the Public Safety meeting with Judge Zuidmulder and he will be doing more to get this information out there and will continue to work on getting all of the numbers together. Judge Walsh added that he has been speaking at some of the service organizations in Brown County and people are astounded at what the treatment courts do and some of the people even attend court sessions.

9. Mental Health Court (Judge Zuidmulder).

Judge Zuidmulder reported that there have recently been 4 graduations and it was quite moving. They continue to add to the population and move forward.

10. Heroin/Drug Court (Judge Walsh).

Judge Walsh said that there will also be 3 people graduating from heroin court next week and he invited anyone interested to attend.

11. Future Agenda Items, if any.

Lasee said he would like to see the bail conversation on the next agenda.

12. **Such Other Matters As Authorized By Law.**

The next meeting day was discussed and October 13, 2016 was selected. The meeting will be held at 8:00 am in the Truttman Room of the District Attorney's Office.

13. **Adjourn.**

Motion made by Kathy Johnson, seconded by Troy Streckenbach to adjourn at 8:46 am. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary